

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Final

Tuesday, July 11, 2017

9:00 AM

Commission Chambers

Board of County Commissioners

*Joseph E. Flescher, Chairman, District 2
Peter D. O'Bryan, Vice Chairman, District 4
Susan Adams, District 1
Bob Solari, District 5
Tim Zorc, District 3*

**Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

1. CALL TO ORDER

ROLL CALL

Present: 5 - Chairman Joseph Flescher
Vice Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Bob Solari
Commissioner Tim Zorc

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Add: Item 5.D. Mayor Joel Tyson, City of Fellsmere to address the Board

Delete: Item 10.B.I. Request to speak from Ardra Rigby and Bill Rigby

Move: Item 10.B.3. Request to speak from Daniel De Liege, President /CEO, Alliance Bioenergy to Item 5.E.

Move: Item 14.E.1. Alliance Bioenergy Post Process Yard Waste to be heard in conjunction with Item 5.E.

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve the Agenda, as amended. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

5. PROCLAMATIONS and PRESENTATIONS

5.A. [17-0710](#) Presentation of Proclamation Designating the Month of July 2017 as Parks and Recreation Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to Assistant County Administrator Mike Zito; Recreation Manager Mike Redstone; Sandridge Golf Club Pro Shop Manager Kendall Hedgecock; Shooting Range Staff Assistant Tammy Archer; Conservation Land Technician Wendy Swindell; Intergenerational Recreation Center Staff Assistant I Nalia Bauer; Aquatic Centers Recreation Leader Katie Marleau; and Ocean Rescue Lifeguard I Kayla Stevens.

Read and Presented

- 5.B. [17-0668](#) Presentation by Daisy Packer, Executive Director, Keep Indian River Beautiful of KIRB's Recycling Excellence Award from Keep Florida Beautiful

Recommended Action: No Action Required

Keep Indian River Beautiful (KIRB) Board of Trustees & President Ashima Wild spoke about KIRB's Recycling Excellence Award. Ms. Packer spoke about several KIRB programs and the new KIRB store located on 16th Avenue and Old Dixie Highway. She announced that The International Coastal Cleanup will be held on September 16, 2017.

Read and Presented

- 5.C. [17-0701](#) Presentation by Dina Reider-Hicks, Waste Management, Inc. of Florida, regarding Commercial Recycling Promotion in Indian River County

Attachments: [Recycle Promotion Brochure](#)

Ms. Reider-Hicks presented the Commercial Recycling Promotion for the unincorporated Indian River County and the City of Fellsmere's commercial customers to encourage more businesses to recycle. She also mentioned that Waste Management is working with those businesses to evaluate their waste to ensure that they have the right size container.

Read and Presented

- 5.D. [17-0785](#) Addition 5.D. Request to speak from Joel Tyson, President of the Fellsmere Area Property Owners Association

Recommended Action: No Action Required

Mr. Joel Tyson expressed his appreciation to the Board for their assistance in improving the roads in the Fellsmere area.

Read and Presented

- 5.E. [17-0786](#) Addition 5.E. Moved Item 10.B.3. Request to Speak from Daniel De Liege, President/CEO Alliance Bioenergy

Recommended Action: No Action Required

This Public Discussion Item was moved from Item 10.B.3. to Item 5.E.

Mr. De Liege updated the Board on Alliance Bioenergy's acquisition of the former INEOS New Planet Bioenergy Site.

Read and Presented

6. APPROVAL OF MINUTES

6.A. [17-0695](#) Regular Meeting of June 6, 2017

Recommended Action: Approve

Attachments: [06062017BCCDraft](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the minutes of the Regular Meeting of June 6, 2017, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION

7.A. [17-0692](#) Proclamation and Retirement Award Honoring James Emerick on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue Division with Twenty-Nine Years of Service

Attachments: [Proclamation](#)
[Service Award](#)

Chairman Flescher recognized the retirement of Mr. James Emerick.

No Action Taken or Required

7.B. [17-0675](#) Notice of Application for Division of Historic Resources Special Category Grant for the Kroegel Homestead Conservation Area

Recommended Action: This is an informational item only; no Board action is required

Attachments: [Staff Report](#)
[DHR Informational Item 6-26-17 Kroegel attachment photos](#)
[2017_0615_DHR_Kroegel_Attachment 8B_Maps](#)

No Action Taken or Required

7.C. [17-0658](#) Florida Public Service Commission Order No. PSC-17-0230-TRF-EI In re:

Petition for approval of revised customer security deposit tariff sheets, by Florida Power & Light Company, is on file for review in the Office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

- 7.D. [17-0657](#) Florida Public Service Commission Order No. PSC-17-0229-TRF-EI In re: Petition for approval of revisions to tariff sheet Nos. 4.070 and 4.080, deposit requirements and customer billing, by Duke Energy Florida, LLC, is on file for review in the Office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

- 7.E. [17-0686](#) Florida Public Service Commission Memorandum Re: Docket No. 0170077-EQ - Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company

Recommended Action: Informational Only

No Action Taken or Required

- 7.F. [17-0696](#) Florida Public Service Commission--Commission Conference Agenda for the conference commencing at 9:30 a.m. on Thursday, July 13, 2017 is available for review in the office of the Clerk to the Board.

Recommended Action: No Action Taken or Required

Attachments: [Commission Conference Agenda](#)

No Action Taken or Required

- 7.G. [17-0681](#) Economic Development Council Resignation-Vacancy

Attachments: [Staff Report](#)
[Resignation \(EDC\) Ltr - Keith Kite](#)

No Action Taken or Required

7.H. [17-0673](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only; no Board action is required.

Attachments: [Event Calendar](#)

No Action Taken or Required

7.I. [17-0699](#) Update on All Aboard Florida/Vero Electric Expenses

Recommended Action: No Action Required by Board

Attachments: [Staff Report](#)
 [All Aboard FL Expenses](#)
 [FP&L-Vero Beach-FMPA expenses](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Items 8.I., 8.K., and 8.N. for discussion. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

8.A. [17-0659](#) Checks and Electronic Payments June 9, 2017 to June 15, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 9, 2017 to June 15, 2017

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [17-0680](#) Checks and Electronic Payments June 16, 2017 to June 22, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 16, 2017 to June 22, 2017

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [17-0688](#) Checks and Electronic Payments June 23, 2017 to June 29, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 23, 2017 to June 29, 2017

Attachments: [Finance Department Staff Report](#)

Approved

- 8.D. [17-0679](#) Approval of Administrative Policies AM-702.2 Family and Medical Leave (FMLA), AM-701.1 Attendance and Punctuality, AM-301.3 Overtime, AM 301.1 Payroll/Salary Administration, and AM-501.1 Disclosure of Benefits

Recommended Action: Staff recommends and respectfully requests the Board of County Commissioners approve Administrative Policies AM-702.2 Family and Medical Leave (FMLA), AM-701.1 Attendance and Punctuality, AM-301.3 Overtime, AM-301.1 Payroll/Salary Administration, and AM-501.1 Disclosure of Benefits..

Attachments: [Staff Report](#)
[702.2 -FMLA \(2017\)](#)
[701.1 \(2017\) Attendance and Punctuality](#)
[301.3\(2017\) Overtime](#)
[301.1 Payroll and Salary Administration 2017](#)
[501.1 \(2017\) Disclosure of Benefit](#)

Approved staff's recommendation

- 8.E. [17-0663](#) Modification of Fee Schedule for Eminent Domain Legal Services

Recommended Action: The County Attorney recommends that the Board approve the revised retainer agreement to include paralegal services at an hourly rate of \$100.

Attachments: [Staff Report](#)
[Letter from William P. Doney to Dylan Reingold, dated June 15, 2017](#)
[Letter from William P. Doney to Alan Polackwich, Sr., dated July 2, 2013](#)

Approved staff's recommendation

- 8.F. [17-0672](#) Escambia County Housing Finance Authority Resolution

Recommended Action: The County Attorney's Office recommends that the Board vote to approve the resolution granting to the Escambia County Housing Finance Authority area of operation permission to operate the Authority's TBA Program and mortgage credit certificate program within Indian River County.

Attachments: [Staff Report](#)
[Proposed Resolution](#)

Approved [Resolution 2017-067](#), granting continuing “area of operation” authority to the Escambia County Housing Finance Authority to operate its Single Family Mortgage Loan Program and Mortgage Credit Certificate Programs within Indian River County, Florida; providing a term; providing for repeal of inconsistent provisions; and providing an effective date.

Approved

8.G. [17-0677](#) Airport Zoning Regulations Interlocal Agreement - City of Sebastian

Recommended Action: The County Attorney's Office recommends that the Board vote to approve the Airport Zoning Regulations Interlocal Agreement and authorize the Chair to execute the Airport Zoning Regulations Interlocal Agreement.

Attachments: [Staff Report](#)
[Indian River County Airport Zoning Regulations, Section 911.17](#)
[Proposed Airport Zoning Regulations Interlocal Agreement](#)

Approved staff's recommendation

8.H. [17-0689](#) Recommended Selection of Consultants for RFQ 2017029 - Asset Management Services for Utilities

Recommended Action: Staff recommends the Board approve the committee's final ranking and authorize negotiations with the top ranked firm (and the subsequently ranked firms, should negotiations with any higher ranked firms fail) in accordance with FS 287.055, Consultant's Competitive Negotiation Act.

Attachments: [Staff Report](#)

Approved staff's recommendation for negotiations for Asset Management Services for Utilities with the top ranked firm, Arcadis U.S., Inc.

8.I. [17-0690](#) Recommended Selection of Consultants for RFP 2017045 - Benefits Consultant/Broker/Actuarial Services

Recommended Action: Staff recommends the Board approve the committee's final ranking and authorize negotiations with the top ranked firm (and the subsequently ranked firms, should negotiations with any higher ranked firms fail).

Attachments: [Staff Report - 2017045](#)

Mr. Kurt Gehring, CEO, The Gehring Group, Inc., stated that his firm came in as second lowest bidder for the Benefits Consultant/Broker/Actuarial Services and thanked County staff for the opportunity to provide benefit services for the last seven years. He wished Lockton Companies (first lowest bidder) well.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Flescher, to approve the committee's final ranking and authorize negotiations for Healthcare Benefits Consulting Services with the top ranked firm, Lockton Companies; and the subsequently ranked firms: The Gehring Group, Inc.; Gallagher Benefits Services, Inc.; Aon Consulting, Inc.; March & McLennan Agency; and USI Insurance Services, should negotiations with any higher ranked firms fail. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

8.J. [17-0693](#) Approval of Master Agreement for Building Division Document Imaging Services and Products with DataBank IMX

Recommended Action: Staff recommends the Board authorize the Chairman to execute the Master Agreement with OSAM Document Solutions, Inc., a subsidiary of DataBank IMX, after approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Master Agreement](#)

Approved staff's recommendation

8.K. [17-0694](#) Award of Bid 2017052 - Fairgrounds Roof Coating

Recommended Action: Staff recommends the Board award Bid 2017052 to the lowest, responsive and responsible bidder, Atlantic Roofing II of Vero Beach, Inc., and authorize the Purchasing Division to issue a Purchase Order for the work.

Attachments: [Staff Report](#)

Commissioner O'Bryan questioned the large spread in the bid amounts submitted for application of sealant roof coatings on the Fairgrounds Expo Exhibition Center and the Pavilion. He wanted to make sure that the low bid amount was a valid number and whether staff felt confident that the bidder could do the work for \$85,712.00. Purchasing Manager Jennifer Hyde confirmed that staff was confident that Atlantic Roofing II of Vero Beach, Inc. could complete the work as bid.

Commissioner Zorc inquired if staff verified the state license on record for Atlantic

Roof II, not Atlantic Roof I. Ms. Hyde replied in the affirmative that staff verified both with the County Building Department and the State that Atlantic Roof II was as bid.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

8.L. [17-0709](#) Miscellaneous Budget Amendment 019

Recommended Action: Staff recommends that the Board of Commissioners approve the budget resolution amending the fiscal year 2016/2017 budget.

Attachments: [Staff Report](#)
[2016 2017 Resolution](#)
[Exhibit "A" BA 019](#)

Approved [Resolution 2017-068](#), amending the Fiscal Year 2016-2017 Budget.

Approved

8.M. [17-0665](#) Work Order No. 2, Masteller & Moler, Inc. Amendment No. 3 IRC Courthouse Judges Security Upgrades

Recommended Action: Staff recommends approval of Amendment No. 3 to Masteller & Moler, Inc. authorizing the professional services as outlined in the Scope of Services and requests the Board to authorize the Chairman to execute Amendment No. 3 on their behalf for a total lump sum amount of \$1,630.00.

Attachments: [Staff Report](#)
[Amendment No. 3](#)
[Exhibit A](#)

Approved staff's recommendation

8.N. [17-0671](#) CR 510/58th Avenue Intersection - Advance Acquisition Wabasso Hillside, LLC- 8495 58th Avenue, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the property located at 8495 58th Avenue, and agree to the future construction of a southbound left turn lane and northbound right turn lane to the entrance of the Red Stick Golf Club located at 8350 58th Avenue as consideration and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Original Puchase Agreement](#)

Vice Chairman O'Bryan detailed the agreement with Wabasso Hillside, LLC., for a portion of right-of-way at the corner of 58th Avenue and County Road 510 (CR 510) to allow for a turn lane in the future. He referred to the wording in Section 2.1 of the Agreement and asked if Attorney DeBraul would clarify that no turn lanes would be constructed until the County widens 58th Avenue.

Deputy County Attorney Bill DeBraul addressed Vice Chairman O'Bryan's concern by referring to the language in Section 2.1, "The County shall construct the improvements if and when the County widens 58th Avenue to a four lane divided highway section." and added that Wabasso Hillside LLC., was aware that the property was not part of the County's 5-year Capital Improvement Element.

Commissioner Zorc inquired whether the interim and temporary improvements in the area would not constitute or trigger Section 2.1. of the Agreement, due to the morning backlog that occurs. He asked if this was the last piece of right-of-way needed to construct the temporary right turn lane on CR 510.

Public Works Director Rich Szyrka replied that the improvements would not constitute or trigger Section 2.1 of the Agreement and that the Wabasso Hillside, LLC. property was the last piece of right-of-way needed to complete the design and move the utilities for construction of an east bound to southbound right turn lane.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

8.O. [17-0678](#) Resolution Requesting Funding Assistance from State of Florida Beach Erosion Control Program - FY 2018/19

Recommended Action: Staff recommends approval of the Resolution

Attachments: [Staff Report](#)
 [FDEP Resolution FY 2018-19](#)

Approved [Resolution 2017-069](#), requesting assistance from the State of Florida Beach Erosion Control Program - FY 2018/19.

Approved

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1. [17-0660](#)

Final Hearing: County Initiated Request to Amend (Update) Mixed Use Policy 5.6 of the Future Land Use Element (FLUE) of the County's Comprehensive Plan [Legislative]

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve the proposed comprehensive plan text amendment by approving the ordinance.

Attachments: [Staff Report](#)

[Minutes from 11-15-2016 BCC Meeting](#)

[Comprehensive Plan Text Amendment Application](#)

[Minutes from the 1-26-17 PZC Meeting](#)

[Minutes from the March 7, 2017 BCC Meeting](#)

[Letters from State Review Agencies](#)

[Analysis of Zoning and Mixed Use in the Area of SR 60/66th Avenue](#)

[SR 60-58th Avenue Node Map](#)

[Proposed Policy 5.6 Comprehensive Plan Text Amendment](#)

[Sample "Master Plan" Area](#)

[Sample Conceptual Lay-out of Mixed Use and IRSC Campus](#)

[Ordinance \(includes Appendix A proposed Comp Plan Text Amendment\)](#)

Community Development Director Stan Boling provided a PowerPoint Presentation detailing the Comprehensive Plan (the Plan) Amendment Process, Proposed Changes to Future Land Use Element (FLUE) Policy 5.6, establishing special mixed use criteria for State Road 60/Indian River State College preferred location area, and spoke about some of the concerns raised at Board Meetings with regard to the commercial component that could be developed with no obligation to complete residential units.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, questioned the procedure on having a hearing to adopt the Comprehensive Plan Text Amendment to the FLUE Policy 5.6 and the Amendment to Chapter 915, Mixed Use Regulation, consistent with the FLUE Policy 5.6 in the Land Development Regulations (LDR's) at the same Board meeting. He stated that the Amendment to the FLUE Policy 5.6 in the LDR's should be heard at a separate meeting to give the public an opportunity for review.

County Attorney Reingold replied that as long as the Plan Amendments were

adopted, the corresponding LDR's Amendments are consistent with the Plan and can be adopted at the same meeting. He added that typically the Plan and LDR's Amendments were adopted at the same meeting, so they would be consistent.

Director Boling commented that the LDR Amendment to the FLUE Policy 5.6 was advertised separately and presented to the Planning and Zoning Commission at a Public Hearing.

The Board addressed Mr. Johnson's concerns and summarized the Plan Amendment Process.

Attorney Christopher Marine, Gould, Cooksey and Fennell, representing the adjacent private land owner, supported the Amendment to the Plan.

Lou Aprile, Citrus Springs, spoke of a document from Indian River State College that states no living person could live or build on the property.

Attorney Reingold was not aware of such a document and pointed out that if the document becomes public, the County would review the document and bring it back to the Board to make the necessary changes to the Plan at that time.

There being no further speakers, the Chairman closed the public hearing.

Vice Chairman O'Bryan had a major concern that there were not any real criteria for the residential to be built at some point. He recognized that staff had pointed out that prior to completion of more than 50% of the commercial area; the infrastructure that serves the residential portion is either constructed or bonded out. He added that there was no timeline for when the residences would go in, and that all of the changes from the existing Mixed Use Policy to the new policy favored an increase in commercial.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, by a (4-1) vote to adopt Ordinance 2017-007, amending the text of Mixed Use Policy 5.6 of the Future Land Use Element of the County's Comprehensive Plan and providing codification, severability, and an effective date. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

Nay: 1 - Vice Chairman O'Bryan

10.A.2. [17-0661](#)

Consideration of Land Development Regulations (LDR) Amendment for Mixed Use Regulations Consistent with Proposed Policy 5.6 Provisions for SR 60/IRSC (Indian River State College) Mixed Use Development [Legislative]

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed

ordinance.

Attachments: [Staff Report](#)

[Minutes from May 25, 2017 PZC](#)

[Proposed Ordinance to Amend LDR Chapter 915](#)

Community Development Director Stan Boling provided a PowerPoint Presentation detailing the proposed Land Development Regulations (LDR) amendment to Chapter 915, Planned Development Process and Standards for Development, which allows for a mix of commercial and residential in certain "residential" locations, subject to special criteria. He noted that this LDR Amendment is consistent with the Future Land Use Element (FLUE) 5.6 in the Comprehensive Plan adopted in Agenda Item 10.A.1.

Chairman Flescher opened the Public Hearing. There being no speakers; the Chairman closed the Public Hearing.

Although Vice Chairman O'Bryan was opposed to the Amendment to the FLUE Policy 5.6., he would support the Amendment to the LDRs to Chapter 915, now that the Board had set policy in Agenda Item 10.A.1.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to adopt Ordinance 2017-008, concerning Amendments to its Land Development Regulations (LDR's); providing for Amendment to Chapter 915, Planned Development (P.D.) Process and Standards for Development; by amending Section 915.20 Mixed Use Standards; and by providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

10.A.3. [17-0662](#)

Consideration of Land Development Regulation (LDR) Amendment to Chapter 926, Establishing Provision and Criteria for Reducing Landscape Requirements for Projects in Remote Agricultural Areas [Legislative]

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed ordinance.

Attachments: [Staff Report](#)
[Location Map of Proposed Solar Farms](#)
[Indian River Solar Energy Center Landscape Plan](#)
[Minutes from March 21, 2017 BCC](#)
[Map of Urban Service Area Boundary; A-2 and A-3 Areas](#)
[Minutes from May 25, 2017 PZC](#)
[Proposed Ordinance](#)

Community Development Director Stan Boling in his PowerPoint Presentation, reviewed the Land Development Regulation (LDR) Amendment to Chapter 926, Establishing Provision and Criteria for Reducing Landscape Requirements for Projects in Remote Agricultural Areas. He mentioned that the Board recently approved a Florida Power & Light (FPL) application for special exception use and site plan for two large solar farm projects. He said that the Board instructed staff to look at potential changes in landscaping and an amendment to the LDR, because they felt a full buffer was not necessary due to the remote location. He noted that this amendment would apply only to areas in the western portion and agricultural districts of Indian River County and would establish a provision for the Community Development Director to reduce perimeter and green space (non-vehicular open space) landscape requirements based on mitigating factors. He concluded that any decisions by the Community Development Director were appealable to the Planning and Zoning Commission and the Board.

Commissioner Solari spoke on the reason for the amendment to the LDR in the remote area.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Winds Subdivision, felt it was not necessary to amend the LDR's and if someone wanted a special exception, it should be presented to the Board on a case-by-case basis.

Bruce Barkett, Attorney representing FPL, supported the amendment to the LDR's and Commissioner Solari's comments.

Vice Chairman O'Bryan and Chairman Flescher addressed Mr. Johnson's comments.

There being no further speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to adopt Ordinance 2017-009, concerning amendments to its Land Development Regulations (LDR's); providing for amendments to Chapter 926, Landscape and Buffer Regulations; by amending Section 926.05 General Requirements; and by providing for repeal of conflicting provisions;

codification; severability; and effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

The Chairman called for a recess at 10:30 a.m., and reconvened the meeting at 10:41 a.m., with all members present.

10.A.4. [17-0674](#) Appeal by Hal & Martha McAdams of a Decision by the Planning & Zoning Commission to Deny a Side Yard Setback Variance of 5' Feet for a Pool Enclosure on Lot 3, Block 1, Diana Park Subdivision [VAR-17-05-01 / 92080125-78723] [Quasi-Judicial]

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners make a finding that the Planning & Zoning Commission adequately evaluated the variance application and uphold the Planning & Zoning Commission decision and deny the appeal.

Attachments: [Staff Report](#)
[Appeal Letters](#)
[Location Map](#)
[PZC Staff Report with Attachments](#)
[May 25, 2017 Approved PZC Meeting Minutes](#)

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

The Chairman opened the Public Hearing. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling, in his PowerPoint Presentation, gave background, on the appeal by Hal and Martha McAdams for a variance request for a side yard setback variance of 5 feet from 15' to 10' for a pool screen enclosure on Lot 3, Block 1, Diana Park Subdivision, and the process of the appeal. He recapped a timeline for the particular place, stating the house was built in 1984 under R-1 zoning which required a 10' side yard setback; however, in 1985, the subject lot and subdivision was rezoned from R-1 to RS-3 which increased the setback from 10' to 15'. He continued that the pool and deck was constructed on the subject property in 1992, but no pool enclosure was proposed at the time. He pointed out that requests for variances were rare and that there had been a total of two in the last 10 years. The Planning & Zoning Commission (PZC) considered the request based on eight (8) specific criteria (must meet all eight) and took the action to deny. Director Boling

concluded that both staff and the applicant agreed that the PZC did not fail under the appeal criteria to properly handle the request and was justified in its decision to deny the variance; however, the applicant wished to appeal before the Board. Director Boling pointed out that when the PZC looked at the particular application, one of their concerns was that the County-initiated rezoning action in 1985 created the situation, so as a follow-up to the PZC's discussion, staff included as an alternative, the possibility of an amendment to the LDR to grandfather-in setbacks for accessory structures attached to legal non-conforming structures that were a result of the County-initiated rezoning.

Mr. Hal McAdams, 540 61st Avenue, displayed photos of the pool area where the pool screen enclosure would be placed with the setback at 15' as requested. He asked the Board for their consideration for a change in the Code for a request for a side yard setback variance of 5' feet for a pool enclosure. He offered copies of letters from their neighbors stating that they had no objection to a pool screen enclosure being placed with a setback variance of 10' feet.

Director Boling and Mr. McAdams responded to the Board's questions on the variance request and setbacks.

Mrs. Martha McAdams asked the Board for their consideration of a variance request and she pointed out that the screen enclosure would have been approved at the time the pool was built.

R.J. MacMillian, Vero Beach resident, was sworn in and stated that he had sat on the Board of Variances for the City of Vero Beach and opined that the rules need to be changed. He felt that the application for variance request should be approved and in the future make it easier to get variances.

Joseph Paladin, President of Black Swan Consulting, agreed with the applicants and felt the McAdams' should be granted a variance.

The Chairman asked for any final arguments, ensured that all documents and tangible evidence were in the hands of the Deputy Clerk, and there being no further speakers, he closed the Public Hearing.

Commissioner Solari stated the following reasons on why he voted to deny the request of variance: 1) the Eighth Criteria in the Indian River County Code; and 2) that the PZC followed the code.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to find that the Planning and Zoning Commission adequately evaluated the variance application under the appropriate variance criteria and to uphold the PZC's decision to deny the request of variance. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to direct staff to prepare a Land Development Regulation revision allowing for non-conformity screen enclosure or accessory structure which was prohibited because of a County-initiated rezoning action and bring back to the Board for approval at a near future meeting. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

10.A.5. [17-0705](#) Ordinance Concerning Medical Cannabis (Continued from June 13, 2017 and June 20, 2017) [Legislative]

Recommended Action: The County Attorney's Office recommends that the chair open the public hearing and after taking public comment vote to deny the proposed ordinance.

Attachments: [Staff Report](#)
[Ordinance Concerning Medical Cannabis](#)

Attorney Reingold referred to the draft Ordinance that would have regulated what was previously under Florida Statutes, described as Medical Cannabis in the same manner as Medical Marijuana. Subsequently, the Florida Legislation during its special session, passed and the Governor signed, a Bill that would provide local Governments with two options in regulating Medical Marijuana: 1) to ban Medical Marijuana Treatment Center Dispensary Facilities; or 2) allow them per pharmacy regulations. Since the legislation nullifies the proposed Ordinance, the County Attorney's Office recommends that the Board hold the Public Hearing to take public comment and after the public comments, vote to deny the proposed Ordinance.

Chairman Flescher opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to deny the Proposed Medical Cannabis Ordinance, amending Chapter 315 (Pain Management Clinics, Controlled Substances and Medical Marijuana) of the Code of Indian River County to revise regulations and prohibitions of certain activities relating to low-THC and Medical Cannabis. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

B. PUBLIC DISCUSSION ITEMS

10.B.1. [17-0669](#) Request to Speak from Ardra Rigby and Bill Rigby Regarding Drainage and Sewer Services in the Wabasso Community

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)

This item was deleted.

No Action Taken or Required

- 10.B.2.** [17-0670](#) Request to Speak from Wanda Scott, Gifford Economic Development Council, Regarding Gifford Economic Development Follow-Up

Recommended Action: Request to Speak - No Action Required

Attachments: [Request to Speak Form](#)

Ms. Wanda Scott, on behalf of the Gifford Economic Development Council, spoke on Operation Safe Street and the impact on the safety of the residents. She addressed the crime statistical data for Gifford, which was overall low, and her concern about misinterpretation of the crime statistical data contained in the Gifford Neighborhood Plan versus the media reports.

Chairman Flescher discussed the Sheriff's requirement to report to the State and referred Ms. Scott to Sheriff Deryl Loar on what the County was doing to make the Gifford area safer.

A discussion ensued regarding the data contained in the Gifford Neighborhood Plan from 2014. Ms. Scott wanted the data statistics updated.

The Board directed Ms. Scott to make a public record request from the Sheriff for a current crime statistical data.

- 10.B.3.** [17-0706](#) Request to Speak from Daniel De Liege, President/CEO, Alliance Bioenergy Regarding Update on Acquisition of former INEOS site.

Attachments: [Request to Speak Form](#)

This Item was moved to be heard under Proclamations and Presentations as Item 5.E.

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [17-0682](#) Notice of Scheduled Public Hearing on July 18, 2017: to Consider North Sebastian Septic to Sewer (S2S) Phase 1 Sewer Assessment Project in Indian River County, Florida [Legislative]

Recommended Action: This public notice item is provided for the Commission's information. No action is needed at this time.

Attachments: [Staff Report](#)

Attorney Reingold read into record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. [17-0703](#) Indian River County Annex Building 1028 20th Place, Vero Beach, Florida

Recommended Action: Staff recommends the sale to Youth Guidance of the Indian River County Annex Building for the offered price of \$225,000 with proceeds used in accordance with Ordinance No. 92-07 placing restrictions on the proceeds from the sale of the old library site.

Attachments: [Staff Report](#)

[Quit Claim Deed dated April 19, 1988](#)

[Quit Claim Deed dated January 13, 1992](#)

[Ordinance No. 92-07 dated March 10, 1992](#)

County Administrator Jason Brown indicated that Youth Guidance has expressed an interest in purchasing the Indian River County Annex Building at 1028 20th Place (Old Library Site), to continue their operations in that location for an offered price of \$225,000. He stated that the Annex Building once housed the Ag Extension Service, and the Housing Authority and Section 8 Operations, which were moved into office space at the County Administration Complex. He continued that an estimated \$200,000 in repairs and maintenance are needed to the roof and air conditioning systems of the building. The building was recently appraised "as is" at \$350,000. He pointed out that staff was supportive of the sale of the Annex Building to Youth Guidance, and noted that Florida State Statutes Section 125.38 allows for the private sale to a not-for-profit organization for such price as the board may fix without having to go out to bid. He concluded that the proceeds from the sale shall be used in accordance with Ordinance No. 92-07, placing restrictions on the proceeds from the sale of the Old Library Site.

A motion was made by Commissioner Solari, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

12. DEPARTMENTAL MATTERS

A. Community Development**B. Emergency Services****C. General Services****1. Human Services****2. Sandridge Golf Club****3. Recreation****D. Human Resources****12.D.1. [17-0691](#)** 2017 Indian River County Health Fair Committee Recognition

Recommended Action: Staff recommends and respectfully requests the Board of County Commissioners extend sincere appreciation to the Health Fair Committee Members and Facilities and Parks Division staff for their hard work and efforts in support of the annual health fair.

Attachments: [Staff Report](#)

Human Resources Director Suzanne Boyll spoke on the 2017 Health Fair held on June 23, 2017, and recognized representatives from the Health Fair Committee and the Facilities and Parks Division staff for their efforts and hard work on making the annual event a success.

Commissioner Zorc inquired if there were any Automated External Defibrillators (AED) devices in the County Administration Buildings A or B. It was pointed out that Fire Prevention had an AED device on site; however, he felt there should be an AED device in the County Buildings for evening meetings or events.

E. Office of Management and Budget**12.E.1. [17-0667](#)** Government Finance Officers Association awarding Indian River County GFOA's Distinguished Budget Presentation Award for the 2016-17 Budget

Recommended Action: No Action is Required

Attachments: [Staff Report](#)
[Letter from GFOA dated May 18, 2017](#)
[GFOA Press Release](#)
[GFOA Certificate of Recognition for Budget Preparation](#)

Management and Budget Director Michael Smykowski announced the Distinguished Budget Presentation Award for the Fiscal Year 2016-2017 and mentioned the County has received this award for 27 consecutive years. He recognized the entire Budget Team: Ruth Bommarito, Kristin Daniels, and Carol Bergeron for making this award possible.

F. Public Works

12.F.1. [17-0697](#) Administration Complex Buildings A&B Selection of Roof Color

Recommended Action: Staff recommends Terra Cotta for the roof color as this color is the closest color to the existing tile roof.

Attachments: [Staff Report](#)
[McElroy Metal Color Chart](#)

Chairman Flescher noted that the Terra Cotta roof color was the closest match to the existing tile roof on the County Administration Buildings and that the second selection for the Administration Building Roof was the Copper Penny color, which would cost more. He inquired from staff if there was any benefit to the Copper Penny color reflective quality.

Public Works Director Rich Szpyrka replied that the Copper Penny was of the same quality as the Terra Cotta color. He did point out that when choosing the type of roof, staff had to be cognizant of reflectivity of the roof with a nearby airport.

A motion was made by Commissioner Zorc, seconded by Commissioner Solari, to approve Terra Cotta for the roof color for the County Administration Complex Buildings A and B. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [17-0711](#) Resolution Establishing the Development Review and Permit Process Advisory Committee

Recommended Action: Staff recommends the Board adopt the resolution establishing and governing the Development Review and Permit Process Advisory Committee.

Attachments: [Staff Report](#)

[Resolution founding the Development Review and Permit Process Advisory Committee](#)

Deputy County Attorney Bill DeBaal stated that the Board, at their June 23, 2017 meeting, directed staff to draft a resolution establishing and governing the Development Review and Permit Process Advisory Committee. He briefly reviewed the Resolution containing the specific criteria from the Board, and asked if the Board had any other criteria.

Commissioner Solari suggested moving Item 4.d to 4.a. in the section called Powers and Duties.

A discussion ensued on the section called Powers and Duties. Vice Chairman O'Bryan suggested making it simple and just take out the wording "July 11, 2017 meeting" from Item e, to read: "reserved for additional powers and duties as decided by the Board".

Commissioner Zorc recommended changing the number of members from 11 to 13 to prevent gaps in representation since each Board Member chooses two members.

A discussion followed on committee membership and Commissioner Solari suggested each Board member select two members and the majority of the Board would choose three (3) Member-At-Large Members.

Attorney Reingold summarized the Commissioner's suggestions, and hoped to bring to the August 15th meeting applications for three Members-At-Large.

Attorney DeBaal reviewed the changes to the resolutions.

- 1) Change the membership from 11 members to 13 members with each Commissioner choosing two members and the remaining members will be chosen at large by the majority of the Commissioners.
- 2) In Powers and Duties, move 4.d. to 4.a. and reserve 4.e. for additional powers and duties as decided by the Board.

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve Resolution 2017-070 Establishing the Development Review and Permit Process Advisory Committee, as amended with the following amendments:

1. Change the membership from 11 members to 13 members with each Commissioner choosing two members, the remaining members will be chosen at large.

2. In Powers and Duties, move 4.d. to 4.a., and 4.e. to be reserved for additional powers and duties as decided by the Board.

The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

13.B. [17-0712](#) Approval of Expert Witness Fees for Laurel Homes 66th Avenue Parcel

Recommended Action: The County Attorney's Office recommends that the Board approve the Laurel Homes experts' costs and fees in the amount of \$121,964.30.

Attachments: [Staff Report](#)
[Expert Witness Fees Table](#)

Attorney DeBaal said that on June 16, 2015, the County settled a case with Laurel Homes, Inc. to purchase 3.53 acres of property needed for construction of 66th Avenue between 4th street and State Road 60. He continued that the parties had not reached a settlement on the issue of the costs and expert witness fees, and that the condemning authority (Indian River County) is obligated by Florida Statute to pay the opposing party's expert witness fees and court costs.

The Commissioners expressed their displeasure with the expert witness fees, but said challenging these fees could be costly.

A motion was made by Commissioner Solari, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

13.C. [17-0676](#) Draft Medical Marijuana Ordinance

Recommended Action: The County Attorney's Office recommends that the Board review and make comments on the proposed ordinance language and authorize the County Attorney's Office to set a public hearing on such ordinance for the August 15, 2017 Board meeting. The County Attorney's Office also recommends that the Board authorize the Community Development Department to draft an ordinance amending the land development regulations to remove references to medical marijuana. Finally, the County Attorney's Office recommends the Board invoke the pending ordinance doctrine while the Board is considering the adoption of the proposed language prohibiting Dispensaries in the unincorporated areas of Indian River County.

Attachments: [Staff Report](#)
[Draft Medical Marijuana Ordinance](#)

Attorney Reingold reiterated that under the new medical marijuana law, local governments have two options with regards to regulating Medical Marijuana Treatment Centers Dispensaries (Dispensaries): 1) the County is permitted to ban Dispensaries; or 2) the County may allow Dispensaries, but the location and permitting of Dispensaries in the same manner as that of a pharmacy. He added that the City of Sebastian intends to allow Dispensaries and the City of Vero Beach intends to prohibit Dispensaries; however, it would grandfather in one of the already approved Dispensaries.

Attorney Reingold stated that the draft language in the proposed ordinance does three things: 1) it removes references to marijuana throughout the Pain Management Clinic Ordinance; 2) it establishes a clear ban on these types of Dispensaries; and 3) it makes clear that any other code language that is inconsistent with that ban may be repealed.

Attorney Reingold said that if it was the will of the Board to continue to ban Dispensaries in the unincorporated area of Indian River County, the County Attorney's Office recommends: 1) the Board review the proposed Ordinance language and authorize the County Attorney's Office to set a Public Hearing on the proposed Ordinance for the August 15, 2017 Board Meeting; 2) the Board authorize the Community Development Department to draft an Ordinance amending the Land Development Regulations to remove references to medical marijuana; and 3) the Board invoke the pending Ordinance doctrine while the Board is considering the adoption of the proposed language prohibiting Dispensaries in the unincorporated areas of Indian River County.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to 1) authorize the County Attorney's Office to set a Public Hearing on the Proposed Medical Marijuana Ordinance for August 15, 2017; 2) authorize the Community Development Department to draft an Ordinance amending the Land Development Regulations to remove references to medical marijuana; and 3) invoke the pending Ordinance doctrine while considering the adoption of the proposed language prohibiting Dispensaries in the unincorporated areas of Indian River County. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Peter D. O'Bryan, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Bob Solari**E. Commissioner Tim Zorc****14.E.1. [17-0702](#) Alliance Bioenergy Post Process Yard Waste**

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[2017-021 Alliance Bioenergy Option Agreement February 7 2017](#)

(Clerk's Note: This Item was heard in conjunction with Item 5.E. and placed here for continuity.)

Commissioner Zorc requested the Board extend the prior Option Agreement for Processed Vegetative Waste between the County and Alliance Bioenergy, Inc. for 90 days to allow enough time for Alliance Bioenergy to obtain ownership status of the former INEOS New Planet Bioenergy site.

Per the Board's direction, Attorney Reingold would bring back to the Board at their July 18, 2017 meeting, an amendment to the Option Agreement for Processed Vegetative Waste with Alliance Bioenergy, Inc. that would extend out 90-days from the date of execution of the Agreement or the closing on the property.

14.E.2. [17-0707](#) Utilities Amnesty Program and Adoption of Ordinance

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Utility Amnesty Program Ordinance from July 2015](#)

Commissioner Zorc reviewed the previous Utilities Amnesty Program and noted that there were several planned developments where the owner prepaid and purchased more Equivalent Residential Units (ERU) than they needed. He asked for the Board's consideration of an Ordinance establishing an Amnesty Program for certain Utility Delinquency charges with a stipulation that it was only temporary.

County Administrator Jason Brown stated that County staff recognized that there were individuals who had purchased more ERUs than needed, and agreed that there needed to be a mechanism to resolve the situation. He expressed his

concerns on opening up the Utilities Amnesty Program.

A discussion followed about the Utilities Amnesty Program and a policy or plan to deal with the stranded ERUs. Commissioners Solari, O'Bryan, Adams, and Flescher were opposed to revisiting the Amnesty Program, but would support staff looking at other policies or options on the stranded ERUs.

Attorney Reingold recapped the Board's discussion and said it was the consensus of the Board for staff to look at the stranded ERUs issue and to bring back some proposals to the Board.

Commissioner Zorc also wanted staff to consider ERU donations for non-profits.

Joseph Paladin, President of Black Swan Consulting, stated that ERUs were reservation of capacity. He felt that it was double dipping to pay both ERU fees and impact fees, and suggested that going forward, to apply ERU fees to the future impact fees.

A discussion ensued on ERU fees, base facility charges, operational costs to maintain the Utilities, and impact fees.

Utilities Director Vincent Burke explained that when someone enters into a contract for ERUs and the impact fees are paid, you are entering into a contract for the County Utilities to build and reserve the capacity.

David Ederer, Manager of WCF2, LLC, Bella Vista Isles Development, appreciated the Board's discussion on opening up the Amnesty program one more time, because of the impact the Indian River Mall has had on his development and the \$1,410 minimum ERU charge per month.

No Action Taken or Required

The Chairman called for a recess at 12:57 p.m., and reconvened the meeting at 1:07 p.m., with all members present.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [17-0627](#) Approval of Minutes Meeting of May 16, 2017

Recommended Action: Approve

Attachments: [05162017SWDD](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Solid Waste Disposal District minutes of May 16, 2017, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.B.2. [17-0683](#) Final Pay to Geosyntec for Work Order No. 4 - Former Gifford Road Landfill - One Year of Groundwater Monitoring/Reporting, Implementation of the Remedial Action Modification Plan and Related Consulting Services

Recommended Action: SWDD staff recommends that its Board approve Geosyntec's final invoice amount of \$4,005.67.

Attachments: [Staff Report](#)

[Geosyntec Project Completion Report & Final Invoice](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.B.3. [17-0684](#) Final Pay to INEOS New Planet BioEnergy, LLC for Yard Waste Processing Services through March 31, 2017

Recommended Action: SWDD staff recommends that its Board approve INPB's final invoice amount of \$38,293.56.

Attachments: [Staff Report](#)

[INPB Final Invoice](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.B.4. [17-0685](#) Final Pay to Geosyntec for CCNA-2014-Work Order No. 5 - 2016 Title V Air Operation Permit Renewal

Recommended Action: SWDD staff recommends that its Board approve Geosyntec's final invoice

amount of \$685.47.

Attachments: [Staff Report](#)
[Geosyntec Project Completion Report & Final Invoice](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.B.5. [17-0704](#) July 2017 Update on Brownfields Redevelopment Process for the Former South Gifford Landfill Site

Recommended Action: Staff is requesting input from the SWDD Board on the following: 1. Authorize staff to proceed with surveying, designing and bidding for a frontage improvement plan based on the preliminary financial costs. A work order for specific work will be brought to the Board for approval at a future meeting. 2. Input on the conceptual ideas as well as the preliminary capital costs that have been generated by the Treasure Coast Regional Planning Council and Geosyntec.

Attachments: [Staff Report](#)

Solid Waste Disposal District Managing Director Himanshu Mehta provided an update through his PowerPoint Presentation of the Brownfields Redevelopment Process Improvement Plan for the former South Gifford Road Landfill (Gifford Landfill). He stated that the Treasure Coast Regional Planning Council (TCRPC) was awarded a Brownfields Coalition Assessment Grant utilizing the Gifford Landfill and was working with Geosyntec on a redevelopment plan for the site. He added that in December 2016, the TCRPC held a workshop in the Gifford Community to engage the community on ideas for the potential redevelopment uses for the former landfill site. He continued that on January 24, 2017, the Board directed staff: 1) to authorize the TCRPC to continue with the redevelopment planning efforts with direction from the SWDD; 2) authorized staff to clean up and beautify County frontage in the initial phase; and 3) not commit to three to five acres for the Gifford Customer Convenience Center, but to keep 12 to 15 acres reserved for the Road and Bridge Compound.

Managing Director Mehta referred to the County Frontage at the Gifford Landfill and mentioned that one of the options was to clear some of the frontage area and the exotics in order to replace the required landscape buffer in accordance with the County Code for an estimated cost of \$100,000. He also mentioned a lower cost option for a visually/aesthetically pleasing buffer on the opening areas.

A discussion ensued on the landscaping costs. It was the consensus of the Board

to remove some of the exotics and clean up the frontage without the additional landscaping.

Managing Director Mehta gave an overview of Plans A & B - Conceptual Community Input from the December 2016 meeting which included an Amphitheater, Open Air Pavilions, Cultural Arts Building, Farmer's Market, Open Fields, and Hiking Trails, for an estimated cost of \$16 million to \$22 million, not including the operational costs. He said that the TCRPC would hold another Community Stakeholders Meeting at the Gifford Community Center on July 27, 2017 to obtain community input on the plans and costs. He added that none of these improvements were in the County budget or future plans, and would require grants and private funding.

County Administrator Brown expressed his thoughts on scaling back the plans for the Gifford Landfill site and felt the estimated costs were too high. He cautioned that these improvements were not set aside in the five-year plan.

Commissioner Solari suggested cleaning up the frontage area of the site and noted that there were no extra funds set aside in the County's budget for this type of project. He preferred to focus on the current County's facilities with the limited resources.

Vice Chairman O'Bryan looked at the Gifford Landfill site as a long term plan. He supported a second Community Meeting for input, and suggested scaling back and prioritizing the project to complete in phases, which would be an opportunity to look for grants and other funding.

Chairman Flescher spoke on the Intergenerational Recreation Facility as a long range plan and how estimated costs end up always costing more. He agreed with Vice Chairman O'Bryan to develop a long term plan for the site and clean up the frontage area.

Commissioner Adams commented that there were many opportunities in Brownfields Site Rehabilitation Programs through the State with grants and partnership opportunities within the community.

Commissioner Zorc suggested that a Master Plan of the Gifford Landfill should be done in stand-alone phases with funding limits.

Freddie Woolfork, 4590 57th Avenue, wanted the project to continue and suggested going back to the community to let them know that it is a long-term plan. He agreed that the wish list should be prioritized, that it should be done in stages, and opined that the garden would not be a good concept on a former

landfill. He also agreed that the front area needed to be cleaned up.

Managing Director Mehta noted that the Gifford Customer Convenience Center was the focal point of the difference of the Conceptual "Plan A" and "Plan B", and he asked for input from the Board. Vice Chairman O'Bryan suggested going with Plan B, keeping the Gifford Customer Convenience Center open.

It was the Board's consensus to direct staff to move forward with 1) cleaning up the frontage and removing the exotics from the former South Gifford Landfill Site without a lot of additional landscaping; 2) continue with the Community meetings to prioritize their ideas for the site; 3) economize (scale back the project); and 4) phase the project by priority.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the meeting adjourned at 2:00 p.m.